

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Troy Delano McRae,

Plaintiff,

v.

Lt. Lendsey, *et al.*,

Defendants.

Case No. 2:21-cv-4752

Judge Michael H. Watson

Magistrate Judge Jolson

ORDER

Magistrate Judge Jolson issued a Report and Recommendation (“R&R”) on Defendants’ motion to dismiss in this *pro se* prisoner civil rights case. R&R, ECF No. 26. The R&R recommended granting in part and denying in part the motion. *Id.* The R&R notified the parties of their right to object to the recommendations contained therein and warned the parties that a failure to timely object would result in a forfeiture of both the right to de novo review by the Undersigned as well as of the right to appeal the Court’s decision adopting the R&R. *Id.* at 18.

The time for filing objections has passed, and none were filed. Accordingly, the Court **ADOPTS** the R&R. Plaintiff’s official-capacity claims against Lendsey and Tedesco are **DISMISSED**. Plaintiff’s Fourteenth Amendment individual-capacity claims, as well as his Eighth Amendment individual-capacity claims regarding the cuff-port incident, against Lendsey and Tedesco are also **DISMISSED**. Plaintiff’s Eighth Amendment individual-capacity

claims against Lendsey based on the finger injury incident and the pepper spray incident may proceed. The Clerk shall terminate Tedesco as a defendant.

IT IS SO ORDERED.

s/Michael H. Watson

**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**